

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND,
AMENDING CHAPTER 144 “OCCUPANCY PERMITS”, BY REPEALING AND
REENACTING §144-2 “DEFINITIONS AND WORD USAGE”, §144-3 “OCCUPANCY
PERMITS REQUIRED”, §144-4 “ISSUANCE, RENEWAL” §144-5 “MANDATORY
DISCLOSURES” AND §144-7 “REVOCATION, REINSTATEMENT” TO CLARIFY
APPLICATION, RENEWAL AND REVOCATION REQUIREMENTS.

WHEREAS, pursuant to Md. Code Ann., Art. 23A, §2, the City of College Park, Maryland (hereinafter, the “City”) has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the residents of the municipality; and

WHEREAS, the Mayor and Council have adopted a requirement, set out in Chapter 144 of the City Code, that all non-residential properties in the City must annually obtain an occupancy permit, to ensure the health and safety of the residents of the City; and

WHEREAS, the Mayor and Council have determined that it is appropriate to clarify application, renewal and revocation requirements for the occupancy permit.

Section 1. **NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland that Chapter 144 “Occupancy Permits”, §144-2 “Definitions and word usage” be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 144-2. Definitions and word usage.

A. The following definitions shall apply in the interpretation and enforcement of this chapter:

DWELLING UNIT – Any room or group of rooms located within a structure and forming a single habitable unit, with facilities which are used or intended to be used for living, sleeping, cooking and eating purposes AND RENTED, LEASED OR OTHERWISE LET TO

CAPS
 [Brackets]
 Asterisks * * *

: Indicate matter added to existing law.
 : Indicate matter deleted from law.
 : Indicate matter remaining unchanged in existing law but not set forth in Ordinance

THREE OR MORE PERSONS OTHER THAN THE OWNER THEREOF AND MEMBERS OF HIS/HER IMMEDIATE FAMILY.

* * * *

NONRESIDENTIAL PREMISES – Any structure or portion of a structure OR UNIT used, WHETHER OR NOT FOR PROFIT, for any type of commercial activity, industrial activity, commerce or trade, PROFESSIONAL OR OFFICE ACTIVITY, manufacturing or repairing of any item or thing or the storage of any part or thing used or to be used in any of the activities described above

Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, §144-3 "Occupancy permits required", be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 144-3. Occupancy permits required.

A. Residential. Before the owner or agent thereof of any dwelling unit, ROOMING UNIT OR rooming house unit or HOTEL, MOTEL OR tourist facility within the confines of the City of College Park shall rent, lease or otherwise let said unit and permit it to be occupied by any person or persons other than himself/herself and members of his/her immediate family, he/she shall secure from the city an occupancy permit.

(1) * * * *

(2) All occupancy permits shall be issued to the owner for the structure containing said unit or units and shall be [~~issued~~] VALID for a period of one year from the date of issuance.

* * * *

B. Nonresidential. [~~Effective July 1, 1985 every and all nonresidential premises~~] EACH TENANT OR OCCUPANT THAT IS REQUIRED TO OBTAIN A PRINCE GEORGE'S COUNTY USE AND OCCUPANCY PERMIT FOR USE OF A NONRESIDENTIAL PREMISES OR UNIT shall secure from the city a nonresidential occupancy permit, which shall be [~~issued~~] VALID for a period of one year.

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F. An occupancy permit issued pursuant to this section is not transferable BY THE PERMIT HOLDER to another [~~owner~~] PERSON OR ENTITY.

Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, §144-4 "Issuance, renewal", be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 144-4. Issuance, renewal.

A. Before the Public Services Department shall issue an occupancy permit, the following criteria shall have been met:

- (1) The Public Services Director shall indicate that, TO THE CITY'S KNOWLEDGE, said unit complies with all of the applicable laws and ordinances of the State of Maryland, Prince George's County and the City of College Park.
- (2) The [~~owner of said unit or units~~] APPLICANT shall remit the required fees as set forth in §144-6 herein below.

* * * *

B. All occupancy permits shall be renewable ANNUALLY upon application and compliance with the provisions of this chapter.

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Section 4. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, §144-5 “Mandatory disclosures”, be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 144-5. Mandatory disclosures.

- A. Every holder or applicant for aN occupancy permit under this chapter who rents any RESIDENTIAL property or unit for which a permit is needed shall provide the following disclosures to his or her tenants, renters, or occupants as a condition to the renewal or issuance of the occupancy permit:

* * * *

Section 5. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, §144-7 “Revocation, reinstatement”, be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 144-7. Revocation, reinstatement.

- A. At any time that the Public Services Department shall determine that any such unit does not comply with all of the provisions of all applicable law, it shall order the [~~owner~~] PERMIT HOLDER or agent thereof to render compliance within a reasonable period of time. If such compliance is not provided, the Public Services Director may order the revocation of the occupancy permit for the structure in which said unit or units are located and proceed with enforcement under applicable provisions of law.

* * * *

- C. In the event that an occupancy permit is allowed to expire by fault of the [~~property owner~~] PERMIT HOLDER due to the failure to pay the required fees within 20 days from the date of the written notification of payment due, without a reasonable cause, a

reinstatement fee shall be imposed as set forth in Chapter 110, Fees and Penalties, and shall be payable with all [~~inspection~~] APPLICATION fees. Property may be subject to reinspection prior to reinstatement of an occupancy permit, and all fees may be reimposed.

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Section 6. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall publish this proposed ordinance or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for _____ P.M. on the _____ day of _____, 2010, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. As soon as practicable after adoption, the City Clerk shall have a fair summary of the Ordinance and notice of its adoption published in a newspaper having a general circulation in the City of College Park and available at the City's offices. This Ordinance shall become effective on _____, 2010 provided that a fair summary of this Ordinance is published at least once prior to the date of passage and once as soon as practical after the date of passage in a newspaper having general circulation in the City.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the _____ day of _____ 2010.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the _____ day of _____ 2010.

EFFECTIVE the _____ day of _____, 2010.

ATTEST:

**THE CITY OF COLLEGE PARK,
MARYLAND**

By: _____
Janeen S. Miller, City Clerk

By: _____
Andrew M. Fellows, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Suellen M. Ferguson, City Attorney